

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

**Sainte Catherine et al.****Application No.: 10/560,110****Confirmation No.: 2890****Docket No.: MBL-003****Customer No.: 31281****Filed: 12/9/2005**

For: DEVICE COMPRISING AT LEAST ONE TYPE OF TUBULAR NANOSTRUCTURE  
HAVING AT LEAST ONE COMPLEX PIGMENT ON THE SURFACE THEREOF

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 28, 2006

Sir: This is in response to the Notification of Missing Requirements Under 35 U.S.C. 371  
mailed July 14, 2006. Enclosed is a copy of the Notification, as well as the following documents  
and fees to complete the filing requirements for the above-identified application:

- (X) Verified translation of the application into English.
- (X) Executed Declaration and Power of Attorney.
- (X) Credit Card Payment Form for \$195.00 for the following fees:

Surcharge for late Declaration \$ 65.00 (small entity)

Processing Fee for late translation \$130.00

In the event this response is not considered to be filed timely, Applicants hereby  
petition for an appropriate extension of the time for response. The fee for such petition for  
extension of time may be charged to Deposit Account No. 502081.

Respectfully submitted,

08/02/2006 GFREY1 00000078 10560110

01 FC:2617  
02 FC:1618

65.00 OP  
130.00 OP

McLELAND &amp; ASSOCIATES, P.L.L.C.

By: 

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UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Assistant Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/560,110	Julien Sainte Catherine	MBL-003

31281  
 LE-NHUNG MCLELAND  
 9679-C MAIN STREET  
 FAIRFAX, VA 22031-3766

INTERNATIONAL APPLICATION NO.	
PCT/FR04/01444	
I.A. FILING DATE	PRIORITY DATE
06/10/2004	06/11/2003

CONFIRMATION NO. 2890  
 371 FORMALITIES LETTER



\*OC000000019613896\*

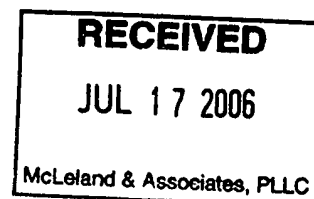
Date Mailed: 07/14/2006

*Due 09/14/2006* ✓

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/09/2005
- Copy of the International Search Report filed on 12/09/2005
- Information Disclosure Statements filed on 12/09/2005
- Request for Immediate Examination filed on 12/09/2005
- Copy of references cited in ISR filed on 12/09/2005
- U.S. Basic National Fees filed on 12/09/2005
- Priority Documents filed on 12/09/2005
- Non-English Language Application filed on 12/09/2005
- Specification filed on 12/09/2005
- Claims filed on 12/09/2005
- Abstracts filed on 12/09/2005
- Drawings filed on 12/09/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$195** for a Small Entity:

- **\$65** Surcharge.
- **\$130** for English translation surcharge required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

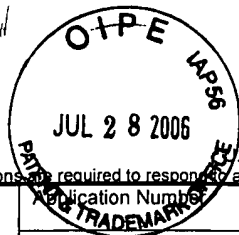
*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/560,110	PCT/FR04/01444	MBL-003



IAP15 Rec'd PCT/PTO 28 JUL 2006

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/560,110
	Filing Date	12/9/2005
	First Named Inventor	Sainte Catherine
	Art Unit	
	Examiner Name	
	Attorney Docket Number	MBL-003
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Translation of application into English
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Declaration
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	Preliminary Amendment
<input type="checkbox"/> Landscape Table on CD		
<input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm Name	McLeland & Associates, P.L.L.C.	
Signature		
Printed name	Le-Nhung McLeland	
Date	7/28/2006	Reg. No. 31,541

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.